

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC	5/23/2008
DOCUMENT	ELECTRONICALLY FILED
DOC #:	DATE FILED: 5/23/08

IN RE: WORLD TRADE CENTER LOWER  
MANHATTAN DISASTER SITE LITIGATION

x 21 MC 102 (AKH)

: STIPULATION AND ORDER  
OF DISMISSAL

: This order relates to:  
07 CV 4485 (AKH)  
: 07 CV 4477 (AKH)  
06 CV 14623 (AKH)

:

x

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys for record for the parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against defendants, ERP OPERATING LIMITED PARTNERSHIP AND EQUITY RESIDENTIAL PROPERTIES MANAGEMENT CORP. s/h/a EQUITY RESIDENTIAL AND ERP OPERATING UNLIMITED PARTNERSHIP only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that ERP OPERATING LIMITED PARTNERSHIP AND EQUITY RESIDENTIAL PROPERTIES MANAGEMENT CORP. s/h/a EQUITY RESIDENTIAL AND ERP OPERATING UNLIMITED PARTNERSHIP is/are a proper party to this suit, plaintiff may reinstitute the action without regards to the applicable statute of limitations,

assuming said original action was timely commenced, and is such instance these defendants shall not assert the statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: White Plains, New York  
May 22, 2008

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

WORBY, GRONER, EDELMAN  
NAPOLI & BERN, LLP

By: John M. Flannery By:  
John M. Flannery (MF-0229)  
Attorneys for Defendants  
ERP Operating Limited Partnership and  
Equity Residential Properties Management Corp.  
s/h/a Equity Residential and ERP Operating  
Unlimited Partnership  
3 Gannett Drive  
White Plains, New York 10604  
(914) 323-7000

Christopher R. LoPalo  
Christopher R. LoPalo (CL-6466)  
Attorneys for Plaintiff  
115 Broadway, 12<sup>th</sup> Floor  
New York, New York 10006  
(212) 587-0031

SO ORDERED: 5/22/08  
Alvin K. Hellerstein  
HON. ALVIN K. HELLERSTEIN